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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,828	07/15/2003	Yi-Ming Sheu	TSM03-0140	7191

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EXAMINER
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FARAHANI, DANA

ART UNIT	PAPER NUMBER
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2891

DATE MAILED: 11/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/619,828

Applicant(s)

SHEU ET AL.

Examiner

Dana Farahani

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 8/18/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3, 6 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Doyle et al., hereinafter Doyle (US Patent Application Publication 2002/0074598A1), previously cited.

Regarding claims 1, 7, Doyle discloses in figure 17 a transistor device comprising a semiconductor region having a top surface, a source region 146 in the semiconductor region; a drain region 148 in the semiconductor region; a channel region in the semiconductor region between the source region and the drain region (not shown but inherent to the structure); an impurity region 142 within the channel region and spaced from the top surface, the impurity region laterally spaced from the source and drain regions, as can be seen in the figure; a gate 149 overlying the channel region; and a gate dielectric (not shown, but inherent to the gate ) between the gate and the channel region.

Regarding claim 3, see paragraph 48, line 11, wherein it is implied that the semiconductor region is silicon.

Regarding claim 6, see paragraph 36, wherein it is stated that oxygen ions may also be implanted into the semiconductor region.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Doyle in view of Shaw et al., hereinafter Shaw (US Patent 4,069,094), previously cited.

Doyle discloses the limitations in the claim, as discussed above, but does not disclose the semiconductor region is monocrystalline silicon.

Shaw teaches monocrystalline silicon has advantages over polycrystalline silicon since it is more uniformed. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use monocrystalline silicon in the structure of the Doyle reference to take advantage of the properties associated with the material, such as uniformity and lower resistivity.

5. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doyle.

Regarding claim 4, Doyle substantially discloses the claimed invention, as discussed above, except for expressly disclosing the relative distances of the impurity region from the surface of the semiconductor region, and the source/drain regions from the surface.

Doyle teaches that the depth of the implantation of the impurities in the semiconductor region can be modified (see paragraph 37). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to make modifications regarding the proximate distance of the impurity region from the top surface of the semiconductor region, to adjust the depth of the impurity region in accordance with the size of a given MOS transistor and

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the available fabrication techniques. Also, it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

Regarding claim 5, Doyle substantially discloses the claimed invention, as discussed above, except for expressly disclosing silicon dioxide being used in the gate dielectric. It would have been obvious to one of ordinary skill in the art at the time of the invention to use silicon dioxide in the gate dielectric, since it is well known that silicon dioxide is extensively used in the gate dielectric portions of the MOS transistors.

6. Claims 8 and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doyle as applied to claim 1 above, and further in view of Sagarwala et al., hereinafter Sagarwala (US Patent 6,759,717), previously cited.

Regarding claim 8, Doyle discloses the limitations in the claim, as discussed above with respect to claim 1, but does not disclose sidewall spacers for the gate of the device and lightly doped portions in the source and the drain of the device.

Sagarwala discloses in figure 11, sidewall spacers 50 and 38; and lightly doped portions 56 of the source and drain regions shown in the figure. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the structure of the Sagarwala reference, commonly known as a LDD structure, to benefit from the advantages of these kind of structures, such as reduced peak electric field at the edges of the source and drain regions (see Sagarwala, column 1, lines 44-47).

Regarding claims 9-12, Doyle discloses the limitations in the claims, as discussed above, but does not disclose a second transistor.

Sagarwala discloses second source/drain regions and a second gate, 44' and 20 respectively; a second channel region (not shown, but inherent to the device) between the second source and the second drain; and a second gate dielectric 24 all shown in figure 11. (Note that the second transistor could be a n channel transistor, in which case the transistor on the right side of the second transistor would be a p type transistor, as the conductivity types could be flipped). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the MOS transistor of the Doyle reference in a CMOS type structure, in order to make the MOS transistor structure of the Doyle reference usable in an integrated circuit structure that implements a CMOS type structure. CMOS type structures have advantages such as lower power consumption and smaller sizes over the traditional NMOS and PMOS transistors, and increasingly are used in modern integrated circuits.

### ***Response to Arguments***

7. Applicant's arguments in the request for pre-appeal conference filed on 8/18/06 with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dana Farahani whose telephone number is (571)272-1706. The examiner can normally be reached on M-F 9:00AM - 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Baumeister can be reached on (571)272-1722. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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